

MEMORANDUM

Agenda Item No. 6 (B)

(Second Reading 10-7-03)


TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: July 22, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance related to zoning; permitting Arts Foundation in RU-5A District

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro, Commissioner Jose "Pepe" Diaz, Commissioner Joe A. Martinez, Commissioner Jimmy L. Morales, Commissioner Dorrin D. Rolle, Commissioner Rebeca Sosa and Senator Javier D. Souto.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: October 7, 2003

FROM: George M. Burges
County Manager

SUBJECT: Ordinance related to
zoning; permitting Arts
Foundation in RU-5A
District

The proposed ordinance permitting Arts Foundation in RU-5A will have no fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6 (B)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor

Agenda Item No. 6(B)
10-7-03

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATED TO ZONING; AMENDING
SECTIONS 33-1 AND 33-223.6 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; DEFINING
ARTS FOUNDATION; PERMITTING ARTS
FOUNDATION IN RU-5A DISTRICT SUBJECT TO
CONDITIONS; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE
DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-
DADE COUNTY, FLORIDA:**

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended
to read as follows:¹

Sec. 33-1. Definitions.

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>>(9.1) Arts Foundation. A facility containing offices, lecture and seminar
rooms, exhibition areas, as well as artists' work studios, all of which is
operated by a non-profit organization dedicated to the promotion of the
visual arts and artists through the exhibition and presentation of the
foundation's artists' works.<<

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¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double
arrowed<< constitute the amended proposal. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 33-223.6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-223.6. Uses Permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

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>>(8.1) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

(a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area.

(b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.

(c) That all art exhibitions shall be conducted within the principal structure.

(d) That there shall be a maximum of six art shows per year.

(e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.

(f) That the sale of art shall be prohibited.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

DAK

Dennis A. Kerbel

Sponsored by Commissioner Bruno A. Barreiro
Commissioner Jose "Pepe" Diaz
Commissioner Joe A. Martinez
Commissioner Jimmy L. Morales
Commissioner Dorrin D. Rolle
Commissioner Rebeca Sosa
Senator Javier D. Souto